UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/508,869	09/13/2000	Thomas Anthony Stahl	RCA 88761	4062

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ART UNIT	PAPER NUMBER
2611	

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☐ Responsive to communication(s) filed on _____ .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-12* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-12* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *13 September 2000* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)   4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5) ☐ Notice of Informal Patent Application (PTO-152)

3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) *6* .   6) ☐ Other: .

DETAILED ACTION

Abstract

This application does not contain an abstract of the disclosure as required by 37 CFR 1.72(b). An abstract on a separate sheet is required.

Claim Objections

Claims 1- 11 are objected to because of the following informalities:

Claim 1 recites the limitations "said peripheral device" in lines 5 and 7, "said digital data" in line 7 and "said display device" in line 10. There is insufficient antecedent basis for these limitations in the claim.

Claim 2 recites the limitations "said digital data" in line 2 and "said display device" in line 3. There is insufficient antecedent basis for these limitations in the claim.

Claim 3 recites the limitations "said menu" in line 2, "said updated digital data" in line 3 and "said peripheral device" in line 5. There is insufficient antecedent basis for these limitations in the claim.

Claim 4 recites the limitation "said peripheral device" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim 7 recites the limitation "said peripheral device" in lines 4, 6 and 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 8 recites the limitations "said peripheral device" in lines 3 and 5 and "said menu" in line 5. There is insufficient antecedent basis for these limitations in the claim.

Claim 9 recites the limitation "said peripheral device" in lines 6, 7 and 11. There

is insufficient antecedent basis for this limitation in the claim.

Claim 10 recites the limitation "said peripheral device" in lines 3 and 5, "said

menu" in line 5 and "said updated digital data" in lines 9 and 10. There is insufficient

antecedent basis for these limitations in the claim.

For examination purposes "said peripheral device" is treated as "peripheral

consumer electronic device", "said digital data" is treated as "digital OSD data", "said

display device" is treated as "digital display device", "said menu" is treated as "on-

screen display menu" and "said updated digital data" is treated as "updated digital data".

Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1 and 4-6 are rejected under 35 U.S.C. 102(e) as being unpatentable by

   Ludtke et al. (US 6421069).

Regarding claim 1, Ludtke discloses a peripheral consumer electronic device (VCR 14; Camera 10; Fig.1; Col. 4, lines 45-47) comprising:

Means for communicating (24, 12) with a digital display device 18 (Col. 4, lines 48-65+ and Col. 5, lines 35-60) interconnected by a digital bus 12, 17, 16;

means for providing digital video content (Camera 10 or VCR 14 provides stream of video data under play mode; Col. 10, lines 19-21 and Col.11, line: 1);

means for generating, in the peripheral device, digital OSD data representative of an on-screen display menu associated with the peripheral device, the digital data being capable of being displayed (... the self-describing information and other software available within the (peripheral) device will be use to present a graphical user interface... Col. 5, lines 25-33 and Col. 7, lines 54-61); and

means for transferring (24) the digital video content (Camera 10 or VCR 14 provides stream of video data under play mode) and the digital OSD data (... the self-describing information and other software available...) capable of being displayed via the digital bus 12, 17, 16 to the display device 18 or 19 (Col. 5, lines 39-60 and Col. 10, lines 3-36);

Regarding claim 4, Ludtke further discloses a mapping means for identifying the connectivity of the peripheral device with other devices on the digital bus (Fig. 5, Col. 8, lines 65- Col. 9, line: 35).

Regarding claim 5, Ludtke further discloses means for receiving characteristic information of each device connected on the digital bus (Col. 9, lines 14-36);

Regarding claim 6, Ludtke further discloses means (Fig. 1, elements 10 or 14) for processing video data (Col. 10, lines 19-21).

2. Claim 12 is rejected under 35 U.S.C. 102(e) as being unpatentable by Iwamura (US 5883621).

Regarding claim 12, Iwamura discloses a display device (Fig. 2b) comprising:

Means 224 for communicating with a peripheral device (to other devices) interconnected by a digital bus (1394 network);

Means 326 for receiving digital video content;

Means 308 for receiving, from the peripheral device, digital data representative of an on-screen display menu associated with peripheral device ("device image type information"; Col. 5, lines 49-Col. 6, lines 18), the digital data being capable of being displayed; and

Means 306 for overlaying and displaying the digital data onto the digital video content (superimposed; Col. 4, lines 19-23; Col. 8, lines 6-10).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 2-3, 7-8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Ludtke et al. (US 6421069).

Regarding claim 2, Ludtke does not clearly disclose "means for writing ... to a

memory device associated with the display device". However, Ludtke discloses the

application software necessary to present the GUI is preferably <u>loaded onto and</u>

<u>resident within</u> the controlling device.   Therefore, it would have been obvious to one

of ordinary skill in the art to recognize that writing/storing the application software

necessary to present the GUI into the memory device (i.e. RAM) is obvious so that

the controlling system could retrieve/process the application software and the self-

describing information for presenting the GUI at a later time without requesting the

application software and the self-describing information from the peripheral device,

i.e. camera 60

Regarding claim 3, Ludtke further discloses a means for navigating said menu

in response to a user initiated command (selecting and dragging the camera 60 into

the 1st subpane 72 as a source device for transmitting data; selecting and dragging

the VCR64 into the 2nd subpane 72 as a sink device for transmitting data Col. 9,

lines 43-55), said navigating means generates updated digital data in response to

said user initiated command (the 1st subpane 72 is updated with graphical

representation 80 and available control functions 81 and 2nd subpane 74 is updated

with graphical representation 84 and available control functions 85 in response to

the selecting and dragging function, Fig. 7; Col. 9, lines 55-65+); said user initiated

command controls operating modes of said peripheral device (Col. 10, lines 2-36).

Regarding claim 7, Ludtke (Fig. 3) discloses a method for controlling a

peripheral consumer electronic device (VCR 14; Camera 10; Fig.1; Col. 4, lines 45-

47) interconnected via an IEEE 1394 serial bus 12, 17, 16 to a display device 18 or

19 (Col. 4, lines 48-65+ and Col. 5, lines 35-60) comprising:

Generating, in the peripheral device, digital data representative of an OSD

menu associated with the peripheral device, the digital data being capable of being

displayed (... the self-describing information and other software available within the

device will be use to present a graphical user interface... Col. 5, lines 25-33 and Col.

7, lines 54-61);

Combining, in the display device 60, the digital video content 72 and the

digital data 18 or 19 (Col. 5, lines 39-60 and Col. 10, lines 3-36);

As to limitations, "... utilizing an isochronous transfer mechanism of the serial

bus..." for transferring digital video content and "... utilizing an asynchronous

transfer mechanism of the serial bus..." for transferring the digital data via the serial

bus to the display device; Ludtke silences regarding the communication protocol

specifying as isochronous and asynchronous transfer/access type over the IEEE-

1394 . However, Ludtke discloses Camera 10 or VCR 14 provides stream of video

data under play mode to the display device (Col. 10, lines 19-21 and Col. 10, lines 6-

Col.11, lines 1) and transferring the digital data (... the self-describing information

and other software available...) via the serial bus to the display device (Col. 5, lines

39-60 and Col. 10, lines 3-36).

A communication protocol specifying isochronous and asynchronous

access/transfer type is known to be the IEEE-1394 standard as disclosed in Ludtke'

s background of the invention (Col. 1, lines 25-51). Therefore, it would have been

obvious to one of ordinary skill in the art to claim the use of isochronous and

asynchronous protocol for communication between devices so to take the advantage

of the IEEE-1394 communication protocol standard defined by IEEE-1394 such as

carrying simultaneously Video and data over the same serial bus at high speed

transmission.

Regarding claim 8, Ludtke further discloses

Receiving control information in response to a user initiated command, the

control information controlling operating modes of the peripheral device (Col. 10,

lines 2-36);

Navigating the menu in the peripheral device in response to the control

information (selecting and dragging the camera 60 into the 1st subpane 72 as a

source device for transmitting data; selecting and dragging the VCR64 into the 2nd

subpane 72 as a sink device for transmitting data Col. 9, lines 43-55), wherein the

step of navigating comprises updating the digital data (for each selecting and

dragging operation, the 1st and 2nd subpane are updated); and

Transferring the updated digital data (the 1st subpane 72 is updated with graphical representation 80 and available control functions 81. 2nd subpane 74 is updated with graphical representation 84 and available control functions 85 in response to the selecting and dragging function, Fig. 7; Col. 9, lines 55-65+) to the display device.

Regarding claim 11, as to "wherein the step of transferring the digital data (OSD) via the serial bus utilizes an isochronous transfer mechanism of the serial bus" is further obvious over IEEE-1394 because isochronous transfer protocol allows multiple applications (i.e. video and other data) to simultaneously transmit isochronous data across the bus structure (Ludtke, Col. 1, lines 45-48).

4. Claims 9-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ludtke et al. (US 6421069) in view of P1394 Draft 8.0v2.

Regarding claim 9, Ludtke discloses a method for controlling a peripheral consumer electronic device interconnected via an IEEE 1394 serial bus to a display device 18/19 (Fig. 1; Col. 5, lines 35-60) comprises:

Mapping the connectivity of each device on the serial bus (Fig. 5, Col. 8, lines 65- Col. 9, line 35).

Communicating with the display device 18/19 (Col. 4, lines 48-65+ and Col. 5, lines 35-60)

Generating, in the peripheral device, digital data representative of an OSD

menu associated with the peripheral device (... the self-describing information and

other software available within the device will be use to present a graphical user

interface (OSD menu)...Col. 5, lines 25-33 and Col. 7, lines 54-61); and

As to limitations "...utilizing an asynchronous transfer mechanism of the serial

bus" and "Providing to the display device a first message indicative of the availability

of the digital data, said first message comprising the location and size of the digital

data in a memory device associated with the peripheral device", Ludtke does not

specifically disclose it.   However, Ludtke discloses in the background of the

invention that a communication protocol specifying isochronous and asynchronous

access/transfer type is known to be the IEEE-1394 standard (Col. 1, lines 25-51).

P1394 Draft 8.0v2 (pages 151-179) discloses that utilizing an asynchronous

transfer mechanism of the serial bus and controlling the equipments connected to

IEEE-1394 serial bus is done by function control protocol (FCP) in which the

peripheral device transmits a control command and response by asynchronous

packet. The structure of the FCP frame (the read/write request for data block packet

or 1st message) in the asynchronous data transmission mode of IEEE-1394

comprises the location (Source ID) and size of the digital data (Data Length) in a

memory device associated with the peripheral device as shown by P1394 Draft

8.0v2 (Read request, page 154, Fig. 6-8 and page 157, Fig. 6-12 and Write request,

page 158, Fig. 6-13). Therefore, it would have been obvious to one of ordinary skill

in the art to claim the use of asynchronous protocol for communication between

devices so to take the advantage of the IEEE-1394 communication protocol

standard defined by IEEE-1394 such as saving cost and furthermore carrying

simultaneously Video and data over the same serial bus at high speed transmission.

Regarding claim 10, Ludtke further discloses

Receiving control information in response to a user initiated command, the

control information controlling operating modes of the peripheral device (Col. 10,

lines 2-36);

Navigating the menu in the peripheral device in response to the control

information (selecting and dragging the camera 60 into the 1st subpane 72 as a

source device for transmitting data; selecting and dragging the VCR64 into the 2nd

subpane 72 as a sink device for transmitting data Col. 9, lines 43-55), wherein the

step of navigating comprises updating the digital data; and

Transferring the updated digital data (the 1st subpane 72 is updated with

graphical representation 80 and available control functions 81. 2nd subpane 74 is

updated with graphical representation 84 and available control functions 85 in

response to the selecting and dragging function, Fig. 7; Col. 9, lines 55-65+) to the

display device.

As to limitation "providing to said display device a second message

comprising the location and size of the updated digital data" is further obvious over

P1394 Draft 8.0v2 by its function control protocol (FCP) in which the peripheral

device transmits a control command and response by asynchronous packet for each

Asynchronous operation (read/write request or "message"); see P1394 Draft 8.0v2

pages 151-179. The structure of the FCP frame packet is updated (2nd message for

each control command and response between devices) accordingly with its location

(Source ID) and updated size of the digital data (Data Length) for each operation, as

shown by P1394 Draft 8.0v2 pages 175-177.

Conclusion

The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

Horiguchi et al. (US 6137949) shows an apparatus and method for transmitting

variable rate data according to multiple storage state indicators.

Takayama (US 5991842) shows a communication system for providing digital

data transfer, electronic equipment for transferring data using the communication

system, and an interface control device.

Mano et al. (US 5793366) shows graphical display of an animated data stream

between devices on a bus.

Smyers (US 6191822) shows method of and apparatus for separating audio and

video data from a combined audio/video stream of data.

Osakabe (US 5933430) shows data communication method.

Contact Fax Information

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or Faxed to: (703) 872-9314
For informal or draft communications, please label "PROPOSED" or "DRAFT"

Hand-delivered responses should be brought to Crystal Park II, 2121
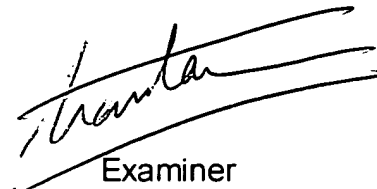Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

Contact Information

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to Hai Tran whose telephone number is (703) 308-7372.
The examiner can normally be reached on Monday through Friday from 8:30 AM to 5:00
PM.
    If attempts to reach the examiner by telephone are unsuccessful, the examiner's
supervisor, Andrew Faile, can be reached on (703) 305-4380. The fax phone number
for the organization where this application or proceeding is assigned is (703) 872-9314.

    Any inquiry of a general nature or relating to the status of this application or
proceeding should be directed to the receptionist whose telephone number is (703) 306-
0377.

Hai Tran

Examiner
Art Unit 2611

August 28, 2003